

PATENT
ATTORNEY DOCKET NO. 50074/004003

Certificate of Mailing: Date of Deposit: January 19, 2000

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231.

Susan M. Barry
Printed name of person mailing correspondence

Susan M. Barry
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald A.G. Mickle et al. Art Unit: 1633
Serial No.: 09/363,100 Examiner:
Filed: July 29, 1999
Title: IMPROVEMENT OF CARDIAC FUNCTION BY MESENCHYMAL
STEM CELL TRANSPLANTATION

Assistant Commissioner of Patents
Washington, D.C. 20231

REPLY TO NOTICE TO FILE MISSING PARTS

In reply to the Notice to File Missing Parts of Application mailed August 20, 1999
(a copy of which is enclosed), Applicant as a large entity submits herewith the following:

- ☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR 1.63.
- ☒ Payment of the surcharge of 130.00 for late filing of the basic filing fee/declaration.

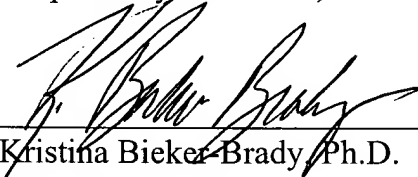
If there are any charges, or any credits, please apply them to Deposit Account

No. 03-2095.

Respectfully submitted,

Date:

January 19, 2000



Kristina Bieker-Brady Ph.D.

Reg. No. 39,109

Clark & Elbing LLP
176 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

\\Ceserver\documents\50074\50074.004003 Reply to NTFMP.wpd

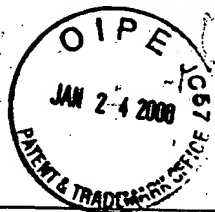


REPLY TO NOTICE OF MISSING PARTS

© CLARK & ELBING LLP 1997

Client/Matter	50074/004003
Notice Mailed	August 20, 1999
Reply Filed	January 19, 2000
Deadline	October 20, 1999
Prepared By	KBB/smb
Signed By	<u>KBB</u> (attorney/agent must initial before double check!) By signing papers and initialing here, the attorney/agent confirms that the package is complete and that it has also been reviewed by the supervising or billing attorney, if any.
Checked By	<u>KLG</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Fees? If required, included check for the basic filing fee, surcharge under 37 CFR §1.16(e), and/or additional claims fee. Check amount: _____.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Declaration? If required, included a complete and properly executed Declaration and Power of Attorney under 37 CFR §1.63.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Translation? If required, included a verified English translation of the application and fee under 37 CFR §1.17(k). Check amount: _____.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Sequences? If required, included DNA sequence listing; provided copies on paper and diskette; labelled diskette; included separate statement under 37 CFR §1.821 that the copies are identical.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Copy of notice? Included copy of notice.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Reply complete? Included client/matter numbers; checked applicant, serial number, filing date, and title; checked all pages for printer errors, pasted in tables, and handwritten symbols and signature. Pages: <u>2</u> .
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Enclosures? Correspondence reviewed and all enclosures, attachments, tables, and exhibits are included.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Small Entity Declaration? If small entity status is proper, a signed small entity declaration is <input type="checkbox"/> included <input type="checkbox"/> was filed with the application <input type="checkbox"/> was filed in a prior application and is referred to in the reply. A petition for refund of any large entity fee already paid is included.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Extension? If reply filed after due date, included a Petition for Extension of Time for <u>3</u> months and a check for the proper extension fee under 37 CFR §1.136(a) of \$ <u>870.00</u> or charged deposit account.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Certificate of mailing? If replying to a Notice of Missing Parts in a US utility or provisional application, signed and dated a first class certificate of mailing. If replying to a Notice of Missing Requirements in a national phase application of a prior PCT international application, person taking reply to the post office signed and dated an Express Mail certificate of mailing.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Postcard? Used a preprinted postcard addressed to the firm. Listed all papers being sent and the number of pages of each.

✓	✓	<p>Correct address and postage? If replying to a Notice of Missing Parts in a US utility application, used a preprinted label addressed to BOX MISSING PARTS, Assistant Commissioner of Patents, Washington, DC 20231. Postage \$ <u>55</u> .</p> <p>If replying to a Notice of Missing Parts for a provisional application, used preprinted label, addressed to BOX PROVISIONAL APPLICATION, Attn: Office of National Application Review, Assistant Commissioner of Patents, Washington, DC 20231. Postage: _____ .</p> <p>If replying to a Notice of Missing Requirements, used Express Mail label addressed to BOX PCT, Commissioner of Patents and Trademarks, Washington, DC 20231. Postage: \$ _____ .</p>
✓	✓	<p>File copies? Made file copies of everything, front and back when necessary, and made sure all handwriting is visible. Punched all file copies into the prosecution file. Updated tabs and table of contents.</p>
✓	✓	<p>Client copies? Sent a letter to the client indicating the reply had been filed and enclosed copies of the papers filed.</p>
		<p>Dockets? Updated the attorney's docket and the firm's docket. Marked off the reply due dates.</p>



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SECTOR

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	---------------------	-----------------------	---------------------------

09/363,100

07/29/99

MICKLE

D

50074/004003

0242/0820

KRISTINA BIEKER-BRADY AT CLARK & ELBING
176 FEDERAL STREET
BOSTON MA 02110

NOT ASSIGNED

1633

DATE MAILED:

08/20/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 130.

☐ 1. The statutory basic filing fee is:

- ☐ missing.
- ☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.

\$ _____ for _____ independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
- ☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Patent Examination Division (703) 308-1202

01/28/2000 AMOHAMME.00000075 09363100

01 FC:105
02 FC:117

130.00 OP
870.00 OP

PTO-1533 (REV. 9/98)

U.S. GPO: 1998-446-87

PART 2 - COPY TO BE RETURNED WITH RESPONSE